

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

DARTH NEWMAN,

Civil Action No. 2:20-cv-01973-RJC

Plaintiff,

v.

Honorable Robert J. Colville

**POLLOCK COHEN, LLP,
STEVE COHEN,
CHRISTOPHER K. LEUNG, and
ADAM POLLOCK,**

Electronically Filed

Defendants.

MOTION FOR LEAVE TO AMEND COMPLAINT

Plaintiff, Darth Newman, files this Motion for Leave to Amend Complaint, and in support states as follows.

1. On February 1, 2021, Defendants filed a Motion to Dismiss and Certificate of Conferral with this court.

2. However, the Defendants did not confer in a meaningful way with Plaintiff's counsel. Defendants sent attorney Sean Dawson, who is not an attorney of record, to communicate with Plaintiff's counsel. During the meeting, Plaintiff offered to amend the Complaint to alleviate some of Defendants' concerns. Attorney Dawson declined Plaintiff's offer. The Motion to Dismiss was filed an hour later.

3. Under Federal Rules of Civil Procedure Rule 15(1)(b), Plaintiff may amend his complaint once as a matter of course "...21 days after service of a motion under Rule 12(b), (e), or (f)..."

4. Defendants' Motion to Dismiss is filed under Rule 12(b) and was filed on February 1, 2021.

5. Plaintiff is within the 21-day time frame.
6. Plaintiff has not amended his Complaint prior to this motion.
7. Plaintiff's counsel communicated his intent to amend to the Court and Defendants Counsel during the Status Conference on February 11, 2021.
8. Plaintiff seeks to file a First Amended Complaint to alleviate some of the concerns raised in Defendants' Motion to Dismiss. The proposed First Amended Complaint is attached as Exhibit 1.

WHEREFORE, Mr. Newman respectfully requests leave to file the proposed First Amended Complaint.

Respectfully submitted,

McELROY LAW FIRM, LLC

By /s/ Rachel L. McElroy

Rachel L. McElroy, Esq.

PA ID No. 321624

461 Cochran Rd. #107

Pittsburgh, PA 15228

Phone: 412-620-8735

Email: rachel@mcelroylawfirm.com

Attorney for Plaintiff Darth Newman

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of February, 2021, the foregoing Motion for Leave to Amend Complaint was served upon all counsel of record via CM/ECF.

/s/ Rachel L. McElroy
Rachel L. McElroy